

COPY

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1161**

T06-0028

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the BNSF Railway Company ("Company"), the City of Macomb ("City"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the Deere Road (AAR/DOT #072 909A; railroad milepost 204.30-Q); Ward Street (AAR/DOT #072 906E; railroad milepost 203.14-Q); Jackson Street [US-136] (AAR/DOT #072 890K; railroad milepost 202.91-Q); Carol Street (AAR/DOT #072 892Y; railroad milepost 202.68-Q); Johnson Street (AAR/DOT #072 893F; milepost 202.53); McArthur Street (AAR/DOT #072 894M; railroad milepost 202.42-Q); La Fayette Street/US 67 (AAR/DOT #072 896B; milepost 202.36-Q); Randolph Street (AAR/DOT #072 897H; railroad milepost 202.28-Q); Dudley Street (AAR/DOT #072 900N; railroad milepost 202.11-Q); Edward Street (AAR/DOT #072 902C; railroad milepost 201.97); Pearl Street (AAR/DOT #072 903J; railroad milepost 201.76-Q); White Street (AAR/DOT #072 904R; railroad milepost 201.62-Q); East Street (AAR/DOT #072 911B; railroad milepost 201.02-Q), and Bower Street (AAR/DOT #0637 79G; railroad milepost 200.51-Q) highway-rail grade crossings of the BNSF Railway Company's tracks, located in the City of Macomb, McDonough County, Illinois; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

DOCKETED

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

1. Installation of constant warning time circuitry and Light Emitting Diode (LED) signal units at the Deere Road crossing.
2. Installation of LED signal units at the Ward Road, Jackson Street, and Carol Street crossings.
3. Installation of automatic flashing light signals and gates and LED signal units at the Johnson Street crossing.
4. Installation of automatic flashing light signals and gates and LED signal units with sidelights at the McArthur Street crossing.
5. Installation of constant warning time circuitry, and LED signal units at the LaFayette Street crossing.
6. Installation of automatic flashing light signals and gates, controlled by constant warning time circuitry at the Randolph Street, Dudley Street, Edwards Street, Pearl Street, White Street, East Street, and Bower Street¹ crossings.

(¹Note: Existing cantilever signals to be re-used at the Bower street crossing.)

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be eighteen (18) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	CITY	COMPANY	IDOT
Install CWT Circuitry and LED signals at the Deere Road crossing	\$143,233	85% \$121,748 ¹	\$0	15% \$21,485 ²	\$0
Install LED signals at the Ward Road and Carol Street crossings	\$27,466	85% \$23,346 ¹	\$0	15% \$4,120 ²	\$0
Install LED signals at the Jackson Street crossing	\$15,247	\$0	\$0	15% \$2,287 ²	85% \$12,960 ³
Install Automatic Flashing Light Signals and Gates, and LED signals at the Johnson Street crossing	\$63,437	85% \$53,921 ¹	\$0	15% \$9,516 ²	\$0
Install Automatic Flashing Light Signals and Gates, and LED signals/with sidelights at the McArthur Street crossing	\$91,919	85% \$78,132 ¹	\$0	15% \$13,787 ²	\$0
Install CWT Circuitry and LED signals at the LaFayette Street crossing	\$162,871	\$0	\$0	15% \$24,431 ²	85% \$138,440 ³
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry at the Randolph Street, Dudley Street, Edwards Street, Pearl Street, White Street, East Street, and Bower Street crossings [Note: Reuse exist. cantilevers at the Bower Street crossing]	\$1,280,590	85% \$1,088,502 ¹	\$0	15% \$192,088 ²	\$0
Totals	\$1,784,763	\$1,365,649	\$0	\$267,714	\$151,400

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$1,365,649; any installation costs above the estimated amount of \$1,606,645 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Total IDOT assistance not to exceed \$151,400; any installation costs above the estimated amount of \$178,118 will be the responsibility of the Company.

Section 6 Special Provisions: Since federal funding is being utilized for the warning device improvements at the subject crossing, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since the warning device improvement(s) at the subject crossing(s) will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit C, along with this executed Agreement.

The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit C, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The Department shall not obligate any funds for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice should include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice should be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice should include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice should show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 10th day of March 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1161, executed by Commission Staff on March 10, 2006, concerning improvements at the Deere Road (AAR/DOT #072 909A; railroad milepost 204.30-Q); Ward Street (AAR/DOT #072 906E; railroad milepost 203.14-Q); Jackson Street [US-136] (AAR/DOT #072 890K; railroad milepost 202.91-Q); Carol Street (AAR/DOT #072 892Y; railroad milepost 202.68-Q); Johnson Street (AAR/DOT #072 893F; milepost 202.53); McArthur Street (AAR/DOT #072 894M; railroad milepost 202.42-Q); La Fayette Street/US 67 (AAR/DOT #072 896B; milepost 202.36-Q); Randolph Street (AAR/DOT #072 897H; railroad milepost 202.28-Q); Dudley Street (AAR/DOT #072 900N; railroad milepost 202.11-Q); Edward Street (AAR/DOT #072 902C; railroad milepost 201.97); Pearl Street (AAR/DOT #072 903J; railroad milepost 201.76-Q); White Street (AAR/DOT #072 904R; railroad milepost 201.62-Q); East Street (AAR/DOT #072 911B; railroad milepost 201.02-Q), and Bower Street (AAR/DOT #0637 79G; railroad milepost 200.51-Q) highway-rail grade crossings of the BNSF Railway Company's tracks, located in the City of Macomb, McDonough County, Illinois.

Executed by the City of Macomb this 24 day of March 2006.

CITY OF MACOMB

By: 

Attest:



RECEIVED

MAR 28 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1161, executed by Commission Staff on, March 10, 2006, concerning improvements at the Deere Road (AAR/DOT #072 909A; railroad milepost 204.30-Q); Ward Street (AAR/DOT #072 906E; railroad milepost 203.14-Q); Jackson Street [US-136] (AAR/DOT #072 890K; railroad milepost 202.91-Q); Carol Street (AAR/DOT #072 892Y; railroad milepost 202.68-Q); Johnson Street (AAR/DOT #072 893F; milepost 202.53); McArthur Street (AAR/DOT #072 894M; railroad milepost 202.42-Q); La Fayette Street/US 67 (AAR/DOT #072 896B; milepost 202.36-Q); Randolph Street (AAR/DOT #072 897H; railroad milepost 202.28-Q); Dudley Street (AAR/DOT #072 900N; railroad milepost 202.11-Q); Edward Street (AAR/DOT #072 902C; railroad milepost 201.97); Pearl Street (AAR/DOT #072 903J; railroad milepost 201.76-Q); White Street (AAR/DOT #072 904R; railroad milepost 201.62-Q); East Street (AAR/DOT #072 911B; railroad milepost 201.02-Q), and Bower Street (AAR/DOT #0637 79G; railroad milepost 200.51-Q) highway-rail grade crossings of the BNSF Railway Company's tracks, located in the City of Macomb, McDonough County, Illinois.

Executed by the Illinois Department of Transportation this 29th day of March 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:



Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1161, executed by Commission Staff on March 10, 2006, concerning improvements at the Deere Road (AAR/DOT #072 909A; railroad milepost 204.30-Q); Ward Street (AAR/DOT #072 906E; railroad milepost 203.14-Q); Jackson Street [US-136] (AAR/DOT #072 890K; railroad milepost 202.91-Q); Carol Street (AAR/DOT #072 892Y; railroad milepost 202.68-Q); Johnson Street (AAR/DOT #072 893F; milepost 202.53); McArthur Street (AAR/DOT #072 894M; railroad milepost 202.42-Q); La Fayette Street/US 67 (AAR/DOT #072 896B; milepost 202.36-Q); Randolph Street (AAR/DOT #072 897H; railroad milepost 202.28-Q); Dudley Street (AAR/DOT #072 900N; railroad milepost 202.11-Q); Edward Street (AAR/DOT #072 902C; railroad milepost 201.97); Pearl Street (AAR/DOT #072 903J; railroad milepost 201.76-Q); White Street (AAR/DOT #072 904R; railroad milepost 201.62-Q); East Street (AAR/DOT #072 911B; railroad milepost 201.02-Q), and Bower Street (AAR/DOT #0637 79G; railroad milepost 200.51-Q) highway-rail grade crossings of the BNSF Railway Company's tracks, located in the City of Macomb, McDonough County, Illinois..

Executed by the BNSF Railway Company this 11 day of April 2006.

BNSF RAILWAY COMPANY

By:

Burgom C. Fox

Attest:

Beverly Regan

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	072 909A, 204.30-Q
STREET, CITY, COUNTY	Deere Road, (I) Macomb, McDonough County
JURISDICTION (RDWY)	City
LOCATION	Urban, Commercial
STREET SURFACE	22'(oil/chip/asphalt), Fair Condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Rubber/timber	42'	Fair
Side	Rubber/timber	42'	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Pvt.
TRAFFIC CONTROL	None
ADT & SPEED	1,750 Vehicles Per Day @ 30 MPH (Posted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, all possible.
ADVANCE WARNING	Yes.
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	16 Per day @ 60 MPH, , Day & Night? Yes
PASSENGER TRAFFIC	2 per day @ 79 MPH
WARNING DEVICES	AFLS/Gates

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway		FEET
Along Tracks		FEET
Required Clearing Sight Distance (CSD) (Along Tracks)		FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

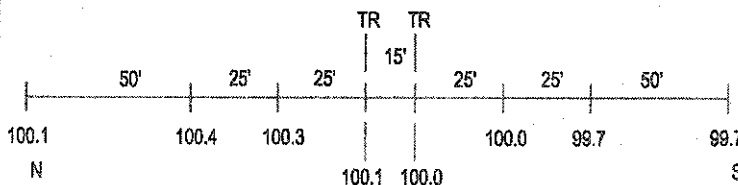
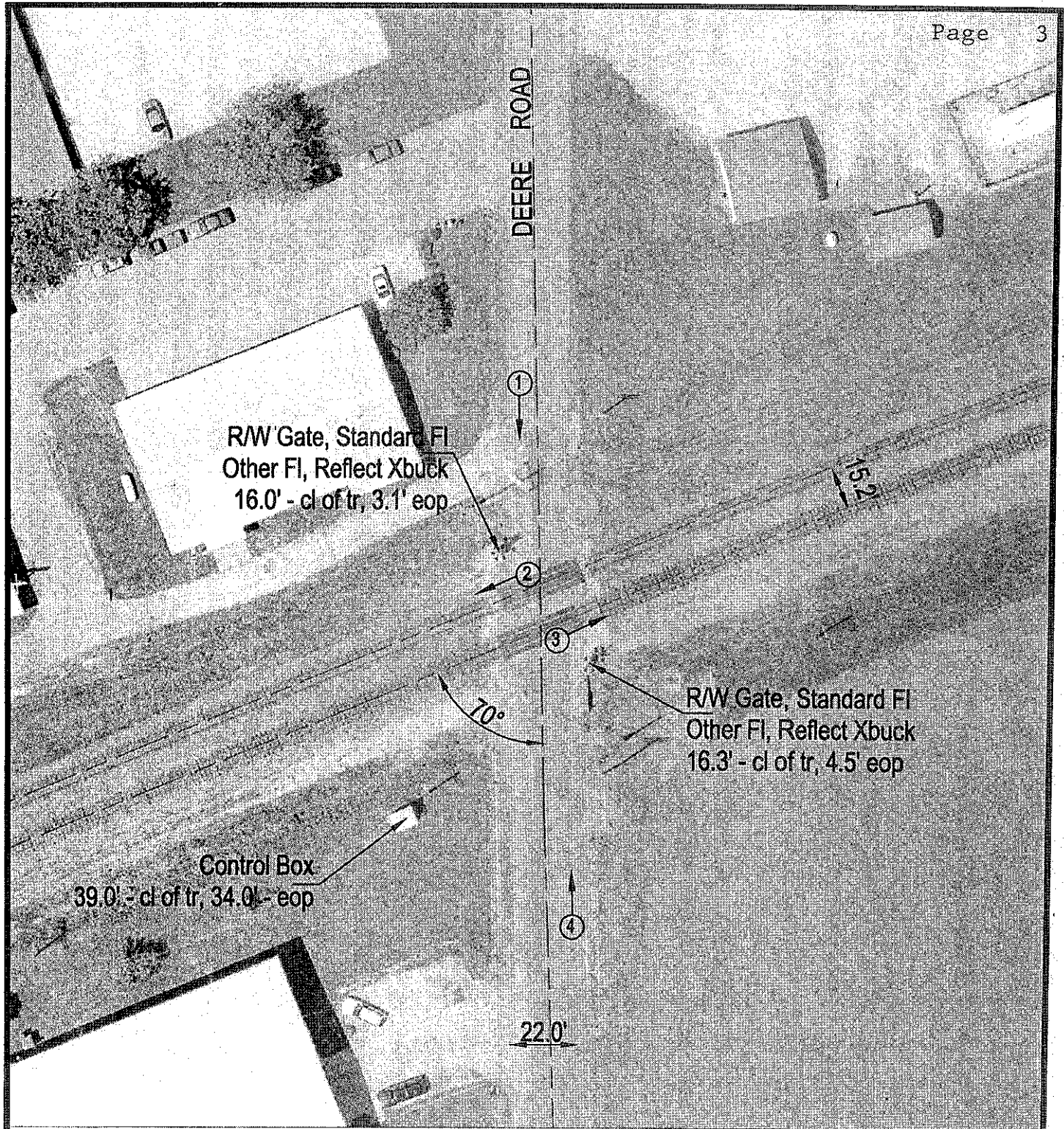
*Note: The existing automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
Meets	92	ILL	Adm	Code	1535
"	"	"	"	"	"

Distance measured from outermost rail.

COMMENTS:



Crossing #: 072909A

Location: McDonough Co., City of Macomb (In)

Lat/Long: 40°27'08" / 90°42'15"

Railroad: BNSF

Street: Deere Road

Railroad Milepost: 204.20

Crossing Protection: Train Activated Devices

③ Photo Location

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	072 906E, 203.07-Q
STREET, CITY, COUNTY	Ward street, (I) Macomb, McDonough County
JURISDICTION (RDWY)	City
LOCATION	Urban, Commercial
STREET SURFACE	29' Asphalt, Good Condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Concrete	50'	New

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Center Street (132')
TRAFFIC CONTROL	Stop at center/ Ward intersection.
ADT & SPEED	9,000 Vehicles Per Day @ 30 MPH (Posted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, All possible.
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	16 Per day @ 60 MPH, Day & Night? Yes
PASSENGER TRAFFIC	2 per day @ 79 MPH
WARNING DEVICES	AFLS/Gates

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway		FEET
Along Tracks		FEET
Required Clearing Sight Distance (CSD) (Along Tracks)		FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

*Note: The existing automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
Meets	92	ILL	Adm	Code	1535
"	"	"	"	"	"

Distance measured from outermost rail.

COMMENTS:

